

REMARKS

This is in response to the Official Action marked December 23, 2004 which has been made final by the Examiner.

This Response is being lodged within two months of the mailing date of the final action, i.e., or before February 23, 2005. It is therefore considered to be timely filed.

Claims 52, 65, 80 and 106 have been amended in accordance with the Examiner's suggestions as set forth in paragraph 4 of the Action.

Additionally a minor typographical error has been amended to have claim 53 properly recite the claimed subject matter.

No new subject matter has been added by way of these amendments. Furthermore no new issues are raised for consideration either as these amendments are reflective of grammatical and/or typographical errors which have been corrected.

The Applicant through the undersigned representative respectfully re-asserts that the claimed invention is both novel and inventive over the sole remaining prior art patent reference of record, Kirkpatrick, U.S. Patent No. 3,434,588, for the following reasons:

Kirkpatrick does not describe an "antiskinning layer" with the same meaning as the "antiskinning layer" as described in the present application. The applicant has found that the presence of the antiskinning layer as defined in the claimed invention in fact substantially reduces any paint drying or skinning of the paint formulation within the container. The Examples in the present specification clearly demonstrate substantial reductions in paint skinning relative to an untreated container. In fact Examples 9 and 10 show that complete prevention of skinning is possible with a polypropylene cloth or polypropylene matting is employed.

The term “anti-skinning layer” as defined in the independent claims requires that the anti-skinning layer retains a layer of liquid formulation on the anti-skinning layer. Claims 54, 67 and 108 also define that the concentration of the liquid formulation (that is the water or solvent concentration of the formulation) retained on the antiskinning layer is maintained.

In contrast, Kirkpatrick is directed to the modification of the internal surface of the container to ensure that any dried paint skin is physically retained on the internal surface of the paint container. In other words, the internal surface of the container has been modified to ensure that dried paint deposits adhere to the surface of the paint container. There is no teaching or suggestion in the Kirkpatrick document that the actual amount of paint skinning that occurs during the storage of paint is in fact reduced as a result of the modification of the internal surface of the paint container.

Applicant further respectfully states that the Examiner’s statement on page 4, lines 5 and 6 (and on page 5 lines 7-8 under point 8) of the Action that the Kirkpatrick reference states at Column 2, lines 36-40 that a layer of liquid formulation is retained on the anti-skinning layer. In fact this passage refers to the retention of dried paint.

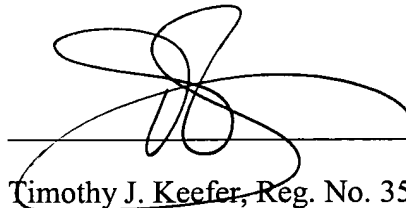
In view of the aforesaid, it is submitted that no further search or consideration is deemed necessary in order to consider the patentability of the claimed invention.

Applicant therefore respectfully requests the early issuance of a Notice of Allowance rather than an Advisory Action for all of the reasons stated herein above.

Respectfully Submitted,

Date: _____

2/23/05



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I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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2/23/05
